

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

**DECLARATION OF KEVIN GANNON IN SUPPORT OF  
SINGULAR'S OPPOSITION TO  
GOOGLE'S MOTION TO MODIFY THE SCHEDULING ORDER**

I, Kevin Gannon, declare and state as follows:

1. I am an attorney admitted to practice law in this District and am counsel for the Plaintiff, Singular Computing, LLC (“Singular”).
2. I submit this declaration in support of Singular’s Opposition to the motion of the Defendant, Google LLC (“Google”). I have personal knowledge of the facts set forth herein and could, if called to do so, testify to them competently and under oath.
3. Attached hereto as Exhibit A is a true and correct copy of Singular’s first set of Interrogatories to Google, served on July 10, 2020.
4. Attached hereto as Exhibit B are true and correct copies of five notices of 30(b)(1) depositions served on July 10, 2021 for Google fact witnesses Norman Jouppi, David Patterson, Astro Teller, Jeffrey Dean, and Jennifer Wall.
5. Attached hereto as Exhibit C is a true and correct copy of a 30(b)(6) Notice of Deposition to Google served on October 2, 2020 and a true and correct copy of a request for ESI production of emails served on Google on October 20, 2020.

6. Attached hereto as Exhibit D is a true and correct copy of Singular's finalized ESI search terms from January 13, 2021. When disaggregated, Singular's search terms contained just 17 terms.
7. Attached here to as Exhibit E is a true and correct copy of a November 11, 2020 letter from Matthias Kamber notifying Singular that Google had "declined Singular's proposal for multiple rounds of custodial ESI review as impractical and unduly burdensome. Google further noted that it would "not perform additional custodial ESI searches after the parties have finalized search terms and custodians."
8. Attached hereto as Exhibit F is a true and correct copy of correspondence from Deeva Shah to Michael Ercolini on January 20, 2021 concerning Google's initial ESI searches.
9. Attached hereto as Exhibit G is a true and correct copy of an April 15, 2021 production letter from Singular to Google comprising over 14,000 pages.
10. Attached hereto as Exhibit H is a true and correct copy of a May 27, 2021 production letter from Singular to Google enclosing additional ESI production responses.
11. Attached hereto as Exhibit I is a true and correct copy of correspondence between counsel for Singular and counsel for Google in early March 2021, wherein Google had threatened to cancel the upcoming deposition of David Patterson unless Singular agreed to store its deposition exhibits on Google's own Google Drive Product.
12. Attached hereto as Exhibit J is a true and correct copy of correspondence from Michael Ercolini, dated February 19, 2021.
13. Attached hereto as Exhibit K is a true and correct copy of correspondence from Google counsel to Singular counsel dated March 11, 2021 enclosing ESI search terms consisting of 491 disaggregated terms.

14. Attached hereto as Exhibit L is a true and correct copy of correspondence from Google counsel to Singular counsel dated April 6, 2021 requesting reduction of search terms and notifying Google of Singular's accomodating 376 of Google's 491 ESI search terms.

15. Attached hereto as Exhibit L is a true and correct copy of correspondence from Google counsel to Singular counsel dated April 6, 2021 requesting reduction of search terms and notifying Google of Singular's accomodating 376 of Google's 491 ESI search terms.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on May 24, 2021 at Boston, MA.

/s/ Kevin Gannon